

ORIGINAL

EX PARTE OR LATE FILED

HALPRIN, TEMPLE, GOODMAN & MAHER

555 12TH STREET, N W , SUITE 950 NORTH

WASHINGTON, D C 20004

(202) 371-9100 TELEFAX (202) 371-1497

HTTP://WWW.HTGM.COM

ALBERT HALPRIN
RILEY K TEMPLE
STEPHEN L GOODMAN
WILLIAM F MAHER, JR

RECEIVED

JOEL BERNSTEIN

JUL - 2 2002

JANICE OBUCHOWSKI
OF COUNSEL

July 2, 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

ORIGINAL

Re: *Progeny LMS, LLC Petition for Rulemaking to Amend Part 90 of the Commission's Rules Governing Location and Monitoring Service To Provide Greater Flexibility, RM-10403.*

Oral ExParte Presentation

Dear Ms. Dortch:

On Monday, July 1, 2002, Janice Obuchowski (President), John Alden (Vice President) of Freedom Technologies, Inc. and Barclay Jones met with Sam Feder, Legal Advisor – spectrum and international issues in Commissioner Martin's office, to discuss several issues related to the above-captioned rulemaking petition. The matters discussed at the meeting including the views expressed in the comments and replies filed in the proceeding, including the greater flexibility being sought by Location and Monitoring Service (LMS) licensees in the 902-928 MHz band. Progeny has sought the elimination or modification of rules that:

- (1) Prevent the aggregation of existing multilateration LMS sub-bands;
- (2) Restrict real-time interconnection with the public switched telephone network (PSTN);
- (3) Restrict the types of communications or services that LMS operators may provide; and
- (4) Require field-testing of LMS devices and establish a "safe-harbor" presumption of noninterference to LMS operations by unlicensed wireless devices.

The meeting also included a discussion of changes in the markets for LMS services and Part 15 wireless networking devices. In addition, the participants explored the possibilities regarding Progeny's suggestion for a negotiated rulemaking or industry coordination approach to resolve any potential interference issues.


No. of Copies rec'd 0
List ABCDE

Marlene H. Dortch, Secretary
July 2, 2002
Page 2

ORIGINAL

In accordance with Section 1.1206(b) of the Commission's Rules, please accept this original and one copy for submission. Should you have any questions or concerns in connection with this submission, please contact me at (202) 371-9100.

Respectfully yours,

 *for DO & Halprin*
Albert Halprin
Counsel

cc: Richard Arsenault, WTB
Sam Feder